Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600

28 August 2025

Submitted by upload to the Committee website

Dear Senators,

Submissions made to the inquiry into the quality of governance at Australian higher education providers

A. Introduction

[1] I am making these submissions to draw attention to the adequacy of the powers available to the Tertiary Education Quality and Standards Agency to perform its role in identifying and addressing corporate governance issues at Australian higher education providers, with particular reference to the impact of providers' employment practices, executive remuneration, and the use of external consultants, on staff, students and the quality of higher education offered (i.e. term of reference 1(e)).

[2] I appeared before the Education and Employment Committee, on 12 August 2025, to provide the Committee with oral evidence in support of submissions I had made earlier to the Committee.

[3] These submissions are made in furtherance to my original submissions and the evidence I provided to the Committee on 12 August 2025.

[4] In my opening statement on 12 August 2025, I adverted to oppressive attitudes at the ANU in respect of whistleblowers who sought to draw attention to gross regulatory failures in the management of the university.

[5] In these submissions, I wish to draw the Committee's attention to both the contempt that the ANU's management had and, I suspect, still has for the Commonwealth's oversight bodies, and the fecklessness of those oversight bodies when dealing with the management of the ANU.

[6] The purpose of drawing the contempt that the ANU's management had and, I suspect, still has for the Commonwealth's oversight bodies, and the fecklessness of those oversight bodies when dealing with the management of the ANU is to warn the Committee that granting statutory powers to an oversight agency to inquire into the impact of providers' employment practices, executive remuneration, and the use of external consultants, on staff, students and the quality of higher education offered is not enough without proper oversight of the use of those powers.

[7] Suggestions for statutory reform are set out towards the end of these submissions.

B. Complaint about a whistleblower disclosure made to the oversight body

[8] The Committee would be aware that the ANU has obligations under the *Public Interest Disclosure Act 2013* (Cth), which sets out the Commonwealth's whistleblower scheme.

[9] I made a whistleblower disclosure under the *Public Interest Disclosure Act 2013* (Cth) about the unlawful conduct of individuals at the ANU.

[10] I was especially troubled by the way that the disclosure was dealt with, under the *Public Interest Disclosure Act 2013* (Cth), by the ANU's investigators.

[11] I am sure members of the Committee are already familiar with the fact that the Commonwealth Ombudsman is responsible for the administration of the *Public Interest Disclosure Act 2013* (Cth), and, as part of that administration, has a role in ensuring that investigations handled under the *Public Interest Disclosure Act 2013* (Cth) comply with that enactment.

[12] After having made a public interest disclosure, I lodged a complaint with the Office of the Commonwealth Ombudsman about the ANU's handling of the whistleblower disclosure I had made.

[13] As part of that complaint, I drew attention to failures, on the part of the investigators, to provide me with procedural fairness during the investigation. In particular, I noted, in my complaint, that the investigators had recorded denigratory remarks about me in their investigation report and that I had been denied an opportunity to respond or rebut those denigratory remarks.

[14] Essentially, I was denied procedural fairness.[1]

C. The essentials of the Commonwealth Ombudsman's investigation

[15] On 21 September 2020, Ms [redacted], a delegate of the Commonwealth Ombudsman wrote to me about the outcome of an investigation, under the *Ombudsman Act 1976* (Cth), into the manner in which a disclosure investigation was conducted, by officials contracted by the Australian National University, under the *Public Interest Disclosure Act 2013* (Cth).[2]

[16] The essentials of Ms [redacted] investigation were:

> a) the Australian National University engaged an external investigator (the consultancy firm *Deloitte*) to investigate the substance of a public interest disclosure that I made under the *Public Interest Disclosure Act 2013* (Cth); and
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> b) a report was prepared by the investigator for the purposes of the *Public Interest Disclosure Act 2013* (Cth); and
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> c) the report prepared by the investigator for the purposes of the *Public Interest Disclosure Act 2013* (Cth) was provided to Ms [redacted] upon her request;[3]
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> d) the investigator included assessments about my character in the public interest disclosure report, and that those assessments of character included that I was "untrainable" and that "he is a liar [and] a manipulator"; and

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1 This is not merely a personal opinion.

The Australian National University's own *Procedure: public interest disclosure materials*, which is published on the University's website <https://policies.anu.edu.au/ppl/document/ANUP_006403>, explicitly sets out, at paragraph 73 under the subheading "Procedural fairness", that "[w]here the investigator in preparing the report of their investigation proposes to:

> a) make a finding of fact, or
> b) express an opinion that is adverse to the discloser, to a Public Official who is the subject of the disclosure or to another person: the investigator or delegate must give the person who is the subject of that proposed finding or opinion a copy of the evidence that is relevant to that proposed finding or opinion and must give the person a reasonable opportunity to comment on it."

By the standards acknowledged in the Australian National University's own procedural materials, I was denied procedural fairness.

2 The investigation report is annexed to this document – see pages 7 – 8.

3 In the Ombudsman's investigation notice, Ms [redacted] states "[a]t our request, the ANU provided our Office with an unredacted copy of the report and records of witness interviews": see page 7.

e) I took exception to the inclusion of those adverse assessments of character in the public interest disclosure report, and raised the inclusion of those adverse character assessments as a ground of complaint; and

f) Ms [redacted] "requested additional information from the ANU to enable [the Office of the Commonwealth Ombudsman] to better understand what evidence the investigator considered in reaching particular conclusions, and if the investigator did not consider or give weight to certain material or allegations, why";[4] and

g) despite issuing requests, "on a number of occasions between April and August 2020",[5] for the additional information to assist with Ms [redacted] investigation, officials at the Australian National University "did not provide a response";[6] and

h) Ms [redacted] chose to advance consideration of my complaint in the absence of the information requested from the Australian National University;[7] and

i) Ms [redacted] "formed the view that the investigation report [prepared by the ANU's investigator] did not adequately explain the basis for some of the investigator's finding";[8] and

j) despite claiming that she would "progress [the Ombudsman's] investigation of [the] complaint based on the information available to [the Ombudsman]", Ms [redacted] claimed it was "difficult for [her] to be satisfied that the [ANU] investigator's findings were reasonably open" for the investigator to make on account of the ANU not complying with the Ombudsman's repeated requests for information.[9]

[17] Ms [redacted] terminated the investigation under the *Ombudsman Act 1976* (Cth) because, in the light of the ANU's failure to respond to requests for information, she "did not think that further investigation would be likely to result in a different outcome for [me]".[10]

D. An assessment of the essentials of Ms [redacted] investigation, under the *Ombudsman Act 1976* (Cth), of my complaint about the manner in which a disclosure investigation is conducted under the *Public Interest Disclosure Act 2013* (Cth)

[18] Several glaring errors leap out from the two page decision notice that Ms [redacted] provided to me.

[19] Parliament has explicitly provided the Commonwealth Ombudsman with the authority to *investigate* matters.[11]

[20] From the very inception of the Office of the Commonwealth Ombudsman,[12] as part of the investigative powers conferred on the Commonwealth Ombudsman, the Parliament granted the Ombudsman the power to *compel* a person to furnish information, or produce documents or other records, relevant to an investigation under the *Ombudsman Act 1976* (Cth).[13]

[21] In this instance, [redacted] requested that officials in the ANU provide information in

4 See page 7.
5 See pages 7 – 8.
6 See page 8.
7 In the Ombudsman's investigation notice, Ms [redacted] states "[i]n the circumstances, we decided to progress our investigation of your complaint based on the information available to us": see page 7.
8 See page 8.
9 In the Ombudsman's investigation notice, Ms [redacted] states "[a]s the ANU did not provide us with the additional information we requested, it was difficult for us to be satisfied that the investigator's findings were reasonably open": see page 8.
10 See page 8.
11 *Ombudsman Act 1976* (Cth), s 8.
12 Act No 181 of 1976.
13 *Ombudsman Act 1976* (Cth), s 9(1).

furtherance of the investigation commenced under section 8 of the *Ombudsman Act 1976* (Cth).[14] By her own admission, despite issuing requests, "on a number of occasions between April and August 2020", for information to assist with the investigation under the *Ombudsman Act 1976* (Cth), officials at the Australian National University "did not provide a response."[15]

[22] It beggars belief that, in the face of such shameless disdain for the authority of the Office of the Commonwealth Ombudsman, the Ombudsman's delegate did not, following the refusal to comply with the request for information, *compel* the production of the information.

[23] I am immediately reminded of the the Hon Catherine Holmes' criticisms of the Office of the Commonwealth Ombudsman in her report of the Royal Commission into the Robodebt Scheme. Specifically, the Royal Commissioner noted the following:[16]

> The responses to requests made for information in the 2017 own motion investigation warranted the use of the s 9 powers in the Ombudsman Act, particularly the associated power to examine on oath, to compel answers as to why the obvious inconsistencies and deficiencies in production of information were occurring and to require production of the documents which were so obviously missing.

[24] In the case of Robodebt, at least officials in the Department of Social Services feigned an interest in cooperating with the Office of the Commonwealth Ombudsman. Officials at the Australian National University did not even dignify Ms [redacted] requests about the investigation of my public interest disclosure with a response.

[25] How much more contumelious must the conduct of officials be in response to a request for information before the Commonwealth Ombudsman, or his delegates, decide to exercise the powers to compel the production of information or documents, particularly in the light of the Ombudsman's *investigative* role?

[26] That is not the worst of it.

[27] Ms [redacted] stated, in her reasons for decision, that, in the light of the failure of officials providing information in response to her requests, she would "progress [the Ombudsman's] investigation of [the] complaint based on the information available to [the Ombudsman]."[17] But Ms [redacted] did no such thing.

[28] Rather than "progress [the Ombudsman's] investigation of [the] complaint based on the information available to [the Ombudsman]", Ms [redacted] reasoned that:

> a) "it was unclear whether [Peter Tregear] had been given an opportunity to respond to" the "comments 'he is a liar, a manipulator' and 'untrainable' having been included in the investigation report"; and
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> b) "[a]s the ANU did not provide us with the additional information we requested, it was difficult for us to be satisfied that the investigator's findings were reasonably open"; and
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> c) therefore, the investigation would be terminated because the delegate did "not think that further investigation would be likely to result in a different outcome."

[29] The inadequacies in Ms [redacted] reasoning are disturbing.

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14 Presumably, Ms [redacted] was relying on subsection 8(3) of the *Ombudsman Act 1976* (Cth), which provides that "the Ombudsman may, for the purposes of this Act, obtain information from such person, and make such inquiries, as he or she thinks fit."

15 See page 8.

16 The Hon Catherine Holmes AC SC, *Report of the Royal Commission into the Robodebt Scheme* (2023), page 581 <https://robodebt.royalcommission.gov.au/publications/report>.

17 See page 8.

[30] Ms [redacted] did not "progress [the Ombudsman's] investigation of [the] complaint based on the information available to [the Ombudsman]." Had Ms [redacted] done so, she would have concluded that the evidence of the adequacy of the investigation was lacking, and, on the basis of the information before her, concluded that the investigation did not meet the requirements of procedural fairness.

[31] Instead:

> a) Ms [redacted] claimed that the information before her was not sufficient for her "to be satisfied that the investigator's findings [about my being 'a liar', 'a manipulator', and 'untrainable'] were reasonably open" to be made; and
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> b) despite requesting information from the ANU under section 8 of the *Ombudsman Act 1976* (Cth), and having her request ignored repeatedly, Ms [redacted] *chose* not to exercise the powers that Parliament had explicitly granted to the Ombudsman and, by virtue of the authority to delegate that power, his delegates to compel the production of relevant information under section 9 of the *Ombudsman Act 1976* (Cth); and
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> c) on account of the dearth of information relevant to the ***investigation*** commenced under section 8 under the *Ombudsman Act 1976* (Cth), which was of Ms [redacted] making given that it was well within her power to compel the production of the information (should it have existed), Ms [redacted] claimed that there was inadequate evidence for her "to be satisfied that the investigator's findings [about Peter Tregear] were reasonably open"; and
>
> d) Ms [redacted] leapt to the conclusion that "further investigation would [not] be likely to result in a different outcome", thus justifying the termination of the investigation under section 12 of the *Ombudsman Act 1976* (Cth).

[32] Despite the obvious fallacies of reasoning, Ms [redacted] washed her hands of the complaint because, as I construe her reasons, investigating the matter according to law became an inconvenience.

E. Cultures of contempt and weakness

[33] What is noted in this document provides a glimpse into an instance of the haughtiness of the management of the ANU when dealing with individuals, including an investigator at the Office of the Commonwealth Ombudsman.

[34] It also provides a glimpse into the weakness of oversight bodies, which, in this instance, was a Commonwealth integrity agency.[18]

[35] When this evidence is taken together with other items of evidence, a more complete picture of the managerial culture at the ANU comes into focus. It is, in my respectful submission to the Committee, a culture that permits a "remarkable tolerance for poor behaviour and bullying" because "at ANU, poor behaviour doesn't lead to negative consequences."[19]

[36] The evidence also shows that, without proper parliamentary or judicial oversight,[20] regulatory bodies

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18 *National Anti-Corruption Commission Act 2022* (Cth), s 15. Section 15 of the NACC Act identifies those Commonwealth agencies that have been exalted with the status of a Commonwealth integrity agency. That status comes with privileges (see, for example, section 45 of the *National Anti-Corruption Commission Act 2022* (Cth)).

19 Christine Nixon AO, *Report of a review into matters of gender and culture in the ANU College of Health and Medicine and its constituent Schools, the John Curtin School of Medical Research, the School of Medicine and Psychology, and the National Centre for Epidemiology and Population Health* (Nixon Review) (2025), p 34 <https://archive.org/details/2025-05-27-australian-national-university-christine-nixon-nixon-review >.

20 In the case of the Commonwealth Ombudsman and his officials, it is virtually impossible to sustain legal proceedings against them for errors of law or fact in decisions made on account of section 33 of the *Ombudsman Act 1976* (Cth).

have incentive to "fold" in the face of the contempt of the mighty.

F. Cautionary tale and potential reform options

[37] These submissions should serve as a cautionary tale.

[38] It is not enough to grant oversight agencies, like TEQSA, investigative powers (much as the Parliament already has under Part 6 of the *Tertiary Education Quality and Standards Agency Act 2011* (Cth)) without the existence of mechanisms for audit of the use of those powers. That much should be clear in the light of what I have noted above.

[39] How that auditing function is to be effected is a matter for the Parliament, but by way of two suggestions, the Parliament may wish to:

> a) mandate that TEQSA's investigations are to be subjected to biennial performance audits by the Auditor-General to ensure that TEQSA is actually performing its functions as intended by the Parliament (and, by extension, at least in theory, in line with community expectations); or
>
> b) establish an office of an inspector of TEQSA to conduct annual audits of TEQSA's functions to ensure that TEQSA is actually performing its functions as intended by the Parliament (and, by extension, at least in theory, in line with community expectations).

[40] Naturally, the outcomes of those audits should be tabled before the Houses of the Parliament for appropriate scrutiny by Parliamentarians and the public.

G. Parting comments about the ANU's dealings with me

[41] Despite the weakness displayed by the Commonwealth Ombudsman's delegate, in good faith, I reached out to the Chancellor of the Australian National University, Ms Julie Bishop, on 12 November 2020,[21] and drew Ms Bishop's attention to the ANU's failure to engage with Ms [redacted] during the course of her investigation under the *Ombudsman Act 1976* (Cth).

[42] Ms Bishop wrote to me on 23 December 2020 and noted that "the Australian National University takes seriously all responsibilities we have have under the *Public Interest Disclosure Act 2013* (PID Act) and to the Commonwealth Ombudsman."

[43] In the light of the evidence provided in these submissions, Ms Bishop's statement about taking responsibilities seriously is, plainly, disingenuous.

H. Concluding remark

[44] If you have any questions about these submissions, or believe that I may be in a position to assist the Committee with its inquiry, please do not hesitate to contact me.

Yours faithfully,

Peter Tregear

21 See correspondence on pages 8 – 10 of these submissions.

COMMONWEALTH OMBUDSMAN

Our ref: 2019-402149

21 September 2020

Professor Peter Tregear
By email to: [redacted]

Dear Professor Tregear

I am writing to let you know that I have finished investigating your complaint about the Australian National University's (ANU) handling of your public interest disclosure (remade PID 2018-300002).

Broadly, your complaint concerned the adequacy of the ANU's investigation of your disclosure. You raised a number of issues, including:

- the investigator's findings were unreasonable on the basis of the information you provided for the purposes of the investigation
- it was unclear from the investigation report how the investigator assessed your documentary evidence and oral evidence at interview
- the investigation report did not address some of the particulars of your allegations
- the investigator appeared to raise doubts about your credibility in the investigation report.

Our role

Our Office's role in assessing a complaint about an agency's handling of a disclosure is to consider whether the agency's actions and decisions were consistent with its obligations under the *Public Interest Disclosure Act 2013* (PID Act) and reasonably open to it. We do not re-investigate the allegations made in the disclosure.

Under the *Ombudsman Act 1976* (Ombudsman Act), we may decide not to continue investigating a complaint where we form the view that further investigation is not warranted in all of the circumstances. A relevant consideration for our Office is whether further investigation of the complaint would be likely to result in a different outcome.

Where we identify flaws in an agency's handling of a disclosure, we may make comments or suggestions to the agency under section 12(4) of the Ombudsman Act. However, we do not have the power to compel an agency to take a particular course of action.

Our investigation of your complaint

The ANU engaged an external investigator to investigate your disclosure and to prepare a report for the ANU's consideration. The investigation report records that the investigator reviewed the material you provided in support of your disclosure, conducted a 'desktop review' of numerous documents and emails provided by the ANU, and conducted interviews with 11 witnesses. The investigation report was accepted and adopted by the ANU. At our request, the ANU provided our Office with an unredacted copy of the report and records of witness interviews.

We subsequently requested additional information from the ANU to enable us to better understand what evidence the investigator considered in reaching particular conclusions, and if the investigator did not consider or give weight to certain material or allegations, why. We followed up on our

request on a number of occasions between April and August 2020. The ANU ultimately did not provide a response.

In the circumstances, we decided to progress our investigation of your complaint based on the information available to us. In doing so, we made some observations to the ANU about its investigation of your disclosure. We invited the ANU to provide a response to our comments, but it did not do so.

Although the investigation appears to have been reasonably comprehensive, based on the information we reviewed, we formed the view that the investigation report did not adequately explain the basis for some of the investigator's findings. As the ANU did not provide us with the additional information we requested, it was difficult for us to be satisfied that the investigator's findings were reasonably open.

We also referred the ANU to the procedural fairness requirements discussed in our Office's Agency Guide to the PID Act. We explained that you had raised concerns about the comments '*he is a liar, a manipulator'* and '*untrainable*' having been included in the investigation report. We observed that it was unclear whether you had been given an opportunity to respond to those comments, to the extent that the investigator intended to rely on them. We suggested that if the investigator had not formed an adverse view of your credibility, or if the comments were not materially relevant to the findings of the investigation, it was unclear why they were included in the report.

The ANU did not respond to our observations.

Conclusion

I have decided to finalise my investigation of your complaint at this point, because I do not think that further investigation would be likely to result in a different outcome for you. Our Office will consider whether it is appropriate to make any further comments or suggestions to the ANU under section 12(4) of the Ombudsman Act with a view to improving future administration of the public interest disclosure scheme. I acknowledge that this may not be the outcome you were seeking, but I do not think that further investigation would be likely to achieve a better result.

The PID Act contemplates that a discloser may make an external disclosure if all of the criteria in section 26 have been met. Our Office cannot comment on whether it is open to you to make an external disclosure in all of the circumstances. We recommend that you seek independent legal advice about the options that may be available to you going forward.

If you think I have overlooked something or there is further information I should consider before finalising my investigation of your complaint, please email me at PID@ombudsman.gov.au. If I do not hear from you by **5 October 2020**, I will proceed to finalise my investigation and close your complaint.

Thank you for bringing your concerns to the attention of the Ombudsman's Office.

Yours sincerely

By email

[redacted]
Investigation Officer
Public Interest Disclosure Team

12 November 2020

The Hon Julie Bishop
Chancellor
The Australian National University

Via e-mail**:** chancellor@anu.edu.au

Dear Chancellor,

With considerable regret I write to you to ask for your assistance as the ultimate responsibility for the matters I raise would seem to lie with your role as Chancellor and Chair of ANU Council, in particular as those roles pertains to ensuring ensuring effective overall governance and management of the University.

Briefly, during the latter part of my tenure as a Professor and Head of the School of Music at the ANU (2012–2015) I had made multiple attempts to raise significant, and thoroughly documented, instances of alleged maladministration, unsafe work practices, financial impropriety, and academic malpractice, to the appropriate levels of ANU management.

As I later discovered, however, my raising of such issues led directly to a series of administrative actions by my superiors that made my continuing employment at the ANU impossible.

While I had myself hoped to move on from these distressing events, the announcement by the University that it was declaring a 'moratorium' (courtesy of the Review the ANU commissioned Professor Andrew Podger to undertake in 2016) into any instances of managerial wrong-doing concerning the School compelled me, both as a matter of civic duty (but also because I was aware that many of the issues I had raised were still unresolved and still causing real harm), to submit a Public Interest Disclosure (PID) to the Commonwealth Ombudsman in January 2017.

According to the initial assessment by the Ombudsman's Office, this PID presented evidence of numerous 'instances of disclosable conduct, namely conduct that constitutes maladministration and conduct which, if proved, would be grounds for disciplinary action or conduct which is in breach of a law.'

I will save you from recounting here the subsequent dismal history of what happened to that disclosure after it was accepted, except to say that it took until the latter half of 2019 for it finally to be investigated by the ANU (despite its unambiguous statutory obligation to do so).

Over the intervening years staff at the Ombudsman's Office reported to me, among other things, that the ANU was a 'uniquely difficult' agency' to work with and I imagine that this alone might be a matter of some concern to you.

As it happens, early in 2019 I tried to raise the matter of the ANU's continuing non-compliance with the PID Act with the Council but the then Secretary of Council, Christopher Reid, informed me that 'it is not appropriate that such matters be raised with the Council, its committees, or with me, or that further correspondence in this regard continue.'

Needless to say, I strongly disagree with Mr Reid's view and cannot reconcile it with the Council's stated role in "overseeing and monitoring the academic activities of the University" and "establishing policy and procedural principles, consistent with legal requirements and community expectations."

Subsequently, in a letter to me dated 29 April 2019 the Commonwealth Ombudsman informed me that:

> …*the ANU had not taken reasonable steps to investigate the disclosure and that the PID investigation was inadequate... Given the ANU had not made a decision not to investigate under s 48 of the PID Act our preliminary view was also that the ANU's approach to the matter did not appear to meet the basic requirements of the PID Act.*

Eventually the ANU conceded and informed the Ombudsman's Office that it would consider my PID by commissioning an investigation of it by Deloitte. I had hoped that at last this matter was being appropriately dealt with, but I was to be proven mistaken.

Deloitte's report to the ANU, dated 28 October 2019, was sent to me on 18 November 2019. It determined that the ANU was not to be held accountable for any of the disclosable issues I had raised. I accept that this is in theory a reasonable outcome, and indeed my fundamental dispute with the ANU about this matter has always been about the lack of procedural fair dealing, not the lack of a particular outcome per se.

But the PID Act also states that an investigation's findings also have to be reasonable and adequate in the circumstances. Evidence cannot be rebutted by mere assertion, especially when an Agency is in effect investigating itself.

My PID included hundreds of pages of detailed supporting evidence. What was submitted in response demonstrated:

a) numerous unsupported assertions, mostly in the form of reported denials of facts and events that are otherwise detailed in documents I included in my Public Interest Disclosure, without any substantive case as to why such denials should be taken to rebut or answer this *documented* evidence;

b) some of these statements were also directly contradict evidence that was given by senior ANU executives to the AAT in *Tregear and ANU* [2019] AATA 316 (1 March 2019) and/or otherwise suggested the existence of sources that by law

should have been provided to the AAT as part of the statutory process of discovery leading up to that hearing;

c) a restrictive definition of disclosable conduct that is simply irreconcilable with s29 of the *Public Interest Disclosure Act* 2013, and thus some particular limitations placed on the scope of the investigation were incorrect at law.

The Ombudsman's Office agreed that I had legitimate basis for complaint and undertook to review the matter. It has now repeatedly confirmed to me that the ANU's findings are indeed not reasonable based on the evidence.

It also informed me that the that the ANU repeatedly refused to cooperate with *any* of its requests for further information or clarification that might serve properly to support the conclusions that the ANU had chosen to draw.

This apparent *total* lack of cooperation by the ANU with the Ombudsman's Office is, I would hope you will agree, disturbing. It would appear that the ANU is, among other things, in breach of its obligations under s.61 of the PID Act, but it also raises broader reputational and integrity issues for the institution that I believe are properly the responsibility of ANU Council to address as part of its overriding governance responsibilities.

The efficacy of the PID Act ultimately relies on the principled cooperation of the Commonwealth agencies it covers as the Ombudsman's Office is severely limited in its capacity to investigate matters itself. When such co-operation is absent, the Act then contemplates that discloser can as a last resort make a legally protected external disclosure. Self-evidently that course of action is now open to me. But it is by far a less satisfactory outcome, I would content, for all parties.

I first seek to see whether the Council can affirm that the ANU is committed to the public-integrity protecting purposes of the PID Act and indeed to working constructively with the Ombudsman's Office more generally. I cannot currently see how such a commitment might be reconciled with what the Commonwealth Ombudsman has reported to me, and thus I also seek your intervention in this matter.

I look forward to hearing from you.

Yours sincerely,

Professor Peter Tregear OAM